

FOURTEENTH DAY
(Monday, February 7, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Sherman, Snelson, Traeger, Truan, Williams.

Absent-excused: Schwartz.

A quorum was announced present.

The Reverend Jackie Ponder, First United Methodist Church, Lucas, Texas, offered the invocation as follows:

Eternal God, who rules over human events and directs the course of man's history in both great and small things. Make us sensitive to our time and our place.

Bless the men and women of this legislative body with wisdom, guide their energies, and give them insight into the complex problems they face this day. Keep their lives open so they may feel the plight of their brothers and sisters needs.

Refresh their faith in Your power to act in human lives. Rekindle their interest in sharing in Your deep and abiding love for all mankind.

Let Your law of love be their inner force which moves and shapes the events of this day. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 3, 1977 was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Schwartz was granted leave of absence for today on account of important business on motion of Senator Parker.

REPORTS OF STANDING COMMITTEES

Senator Sherman submitted the following report for the Committee on Natural Resources:

S.B. 23

S.B. 98

S.B. 132

S.B. 360

C.S.S.B. 125 (Read first time)

Senator Truan, Acting Chairman, submitted the following report for the Committee on Human Resources:

S.B. 396

C.S.S.B. 397 (Read first time)

Senator Creighton submitted the following report for the Committee on Economic Development:

S.B. 333

S.B. 26

S.B. 147

C.S.S.B. 1 (Read first time)

C.S.S.B. 77 (Read first time)

C.S.S.B. 391 (Read first time)

C.S.S.J.R. 1 (Read first time)

MESSAGE FROM THE HOUSE

House Chamber

February 7, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 450, A bill to be entitled An Act relating to cooperation between the houses and agencies of the legislature; making appropriations.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 500 by Meier Jurisprudence
Relating to nonprofit legal services corporations and prepaid legal insurance; amending Articles 23.01(1), 23.12, 23.10, 23.23, and 5.13-1, Insurance Code; and declaring an emergency.

S.B. 501 by Mauzy, Harris Jurisprudence
Relating to the regulation of the automobile salvage business by requiring removal of unexpired license plates from certain motor vehicles, by providing for inspection of salvage yard premises by peace officers and the seizure of stolen motor vehicles and parts, and by requiring complete records of transactions involving the purchase and sale of motor vehicles and parts by automobile salvage dealers; providing that a violation of this article is a Class A misdemeanor; amending Section 1, Chapter 506, Acts of the 57th Legislature, 1961, as amended (Article 6687-2, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 502 by Andujar Natural Resources
Relating to assessments imposed on public utilities under the jurisdiction of the Public Utility Commission; amending Section 78, Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes).

S.B. 503 by Mengden Human Resources
Relating to the requirement of a notice when a microwave oven is used in close proximity to guests or consumers in a place open to the public, and providing a penalty.

S.B. 504 by Mengden Finance
Relating to exemptions from the inheritance tax for spouses of decedents; amending Articles 14.015 and 14.02, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended.

S.B. 505 by Clower State Affairs
Providing for the holding of presidential primary elections by certain political parties and prescribing the method for selecting delegates to national nominating conventions of those parties; prescribing a criminal penalty; amending the Texas Election Code by adding Section 235b and by amending Sections 191, 192, 195, and 212, as amended (Articles 13.13, 13.14, 13.17, and 13.34, Vernon's Texas Election Code).

S.B. 506 by Ogg Intergovernmental Relations
Relating to the authority of cities and counties to regulate the location of certain sexually oriented commercial activities; providing penalties.

S.B. 507 by Farabee, Aikin, Creighton Education
Relating to the curtailment of school operations due to emergencies, amending Section 16.052, Section 16.055(b) and Section 21.008(a), Texas Education Code.

S.B. 508 by Mauzy Jurisprudence
Relating to who shall not be included as employees under the State Workmen's Compensation Act, Article 8309g; excluding members of the State Military forces; those performing services for a political subdivision of the State or Federal Government; and declaring an emergency.

S.B. 509 by Snelson Education
Relating to special education for exceptional children under the Foundation School Program; amending Subsection (b), Section 16.102, and Section 16.104, Texas Education Code, as amended, and adding Subsection (e) to Section 16.056.

S.B. 510 by Snelson State Affairs
Relating to the establishment of a state-local cooperative purchasing service.

S.B. 511 by Snelson State Affairs
Relating to purchases of certain supplies, materials, services, and equipment for state use; amending the State Purchasing Act of 1957, as amended (Article 664-3, Vernon's Texas Civil Statutes), by adding Section 9a.

S.B. 512 by Snelson State Affairs
Relating to raising the monetary requirement for written agreements or contracts between state agencies; amending Section 4, Chapter 340, Acts of the 53rd Legislature, Regular Session, 1953 (Article 4413(32), Vernon's Texas Civil Statutes).

S.B. 513 by Snelson State Affairs
Relating to the transfer of certain duties of the comptroller of public accounts for the accounting and inventory of state property to the State Board of Control;

amending Chapter 356, Acts of the 52nd Legislature, Regular Session, 1951, as amended (Article 6252-6, Vernon's Texas Civil Statutes); amending Section 1, Chapter 302, Acts of the 56th Legislature, Regular Session, 1959 (Article 6252-6a, Vernon's Texas Civil Statutes); amending Subsections (a) and (d) of Section 4, Subsection (c) of Section 5, and Section 10, Article 666, Revised Civil Statutes of Texas, 1925, as amended.

S.B. 514 by Sherman Education
Relating to the minimum sick leave program for teachers in public schools;
amending Subsection (c) of Section 13.904, Texas Education Code.

S.B. 515 by Patman, Jones of Harris, Ogg, Truan,
Doggett, Brooks, Clower, Parker, Santiesteban Human Resources
Relating to the establishment and operation of pilot multipurpose service centers for
displaced homemakers.

S.C.R. 34 by Moore Administration
Granting permission to Gale Morris Woodruff, Rhodes Erwin Morris, and Annetta
Morris Weston permission to sue State of Texas.

S.J.R. 40 by Moore State Affairs
Proposing an amendment to Article VIII of the Texas Constitution to add Section
1-f requiring the state to finance current maintenance and operating expenses of
public elementary and secondary schools with state taxes and prohibiting public
school districts from levying ad valorem taxes on property for that purpose.

HOUSE BILL ON FIRST READING

The following bill received from the House, was read the first time and referred
to the Committee indicated:

H.B. 450, To Committee on Administration.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the
Committee on State Affairs, Sub-Committee on Nominations:

Austin, Texas
February 7, 1977

TO THE SENATE OF THE SIXTY-FIFTH LEGISLATURE, REGULAR
SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the
following appointment:

To be a Member of the FINANCE COMMISSION OF TEXAS: For a six-
year term to expire February 1, 1981: Mr. Oscar Brookshire of Lufkin, Angelina
County is replacing Mr. Bill E. McLaughlin of Lubbock, Lubbock County whose
term expired.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

SENATE RESOLUTION 127

Senator Aikin offered the following resolution:

WHEREAS, Upon his retirement from the important and powerful Railroad Commission of Texas on January 1, 1977, after 15 years as Chairman and member, Ben Ramsey closed out a 45-year career of honorable service in state government which began with his election in 1930 to the Texas House of Representatives, representing District 11, which included his home County of San Augustine and Sabine County; and

WHEREAS, This son of the piney woods of "Deep East Texas," just out of The University of Texas Law School, brought with him to the Legislature a conviction he has retained through the years, namely, that much of the growth of government is unnecessary if not actually wrong; and

WHEREAS, After two terms in the House of Representatives, the young legislator decided to resume the practice of law and opened his office in San Augustine; he returned to legislative service after six years of private practice, however, this time to the Texas Senate; and

WHEREAS, He was twice elected as State Senator and in 1949 Governor Beauford H. Jester called on him to serve as his Secretary of State; following which he was elected as Lieutenant Governor in 1950, winning nomination in the Democratic Primary over a formidable field of candidates; and

WHEREAS, Lieutenant Governor Ramsey went on to serve in this office longer than any other person in Texas history, resigning the office in 1961 to accept appointment by Governor Price Daniel to the Railroad Commission, to fill the vacancy created by the death of Commissioner Olin Culberson, until the 1962 election; and

WHEREAS, In the Texas Senate, both as Senator and Lieutenant Governor, Governor Ramsey was known for his droll wit and humor and the great parliamentary skill with which he presided; and

WHEREAS, Governor Ramsey held the same conservative views that characterized his political philosophy and found the leadership and fellowship in the Senate that made his years outstanding and memorable in legislative history; and

WHEREAS, Often he found it necessary—and Governor Ramsey is a master at this—to turn a phrase or drop a quip to cool senatorial tempers in the midst of a hot debate; and

WHEREAS, Throughout his service in the Senate, Governor Ramsey put the State of Texas and her people first and foremost, even above his beloved East Texas when there appeared to be a conflict; his belief in Texas and his desire to achieve for Texas citizens the very best which government can offer is ably expressed in the words in his last inaugural address as Lieutenant Governor in 1961: "It is not enough for us to rest upon the laurels of our forefathers. We must move forward. Our heritage demands a forthright policy of action today for an even greater Texas of tomorrow"; and

WHEREAS, The Senate "family" that became as his own during his tenure as Lieutenant Governor also embraced Governor Ramsey's own family: his wife, Florine, and the little girls, Rita, Ann, and MariBen, were known to Senators and senatorial staffs alike, and the evident love of the father for his daughters gave added warmth to his character and his relationship with the Senators and their families; and

WHEREAS, On his retirement from the Railroad Commission of Texas, while holding the position of Commission Chairman, this man, who has been called the "Sage of San Augustine," leaves a record of regulatory expertise, wisdom in conservation, and ability as presiding officer which will, no doubt, become as legendary as his service as Lieutenant Governor; and

WHEREAS, It is fitting that the Senate of the State of Texas join the many friends, colleagues and former colleagues, and business associates in expressing its appreciation and its desire to recognize and show special honor to the "Sage of San Augustine"; now, therefore, be it

RESOLVED by the Senate of the 65th Legislature of the State of Texas, That the Honorable Ben Ramsey be, and is hereby, extended congratulations upon the distinguished service he has rendered to the State of Texas in all the areas of government in which he has served during the past 45 years; and, be it further

RESOLVED, That a copy of this Resolution be prepared by the Secretary of the Senate, under the seal of the Senate, as a token of appreciation by the Senate of Texas for his notable contributions to state government and as an expression of its esteem and good wishes to him in his well-deserved retirement from public service, and that when the Senate adjourns today, it do so in honor of the Honorable Ben Ramsey.

The resolution was read and was adopted.

On motion of Senator Adams and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

SENATE RESOLUTION 123

Senator Creighton offered the following resolution:

WHEREAS, The Honorable Ben Ramsey served the State of Texas with distinction in many different positions throughout his career, which spanned some 45-odd years; and

WHEREAS, He was first elected to the Texas House of Representatives in 1930, where he served for two terms; then six years later, in 1936, he was elected to the Texas Senate, where he again served for two terms; in 1949, this outstanding gentleman was chosen to serve as the Secretary of State of Texas; and

WHEREAS, After two decades of dedicated service to the State of Texas, the people of Texas saw fit to elect Mr. Ramsey to the second highest office in the state, that of Lieutenant Governor, in 1950, where he served longer than any other person in the history of Texas; and

WHEREAS, After his resignation from the office of Lieutenant Governor in 1961, he was selected to serve on the Railroad Commission, where he served with notable achievement, both as member and chairman, until January 1, 1977, at which time he announced his retirement from public service; and

WHEREAS, Upon his retirement from the Railroad Commission of Texas, the "Sage of San Augustine," as Governor Ramsey has often been called, leaves behind a record of tremendous accomplishment and unparalleled dedication to public service and to the citizens of the State of Texas; and

WHEREAS, It is appropriate that the Texas Senate recognize Governor Ramsey as one of the greatest public servants in the history of Texas; now, therefore, be it

RESOLVED, That the Senate of the 65th Legislature of the State of Texas show its respect, admiration, and appreciation for the Honorable Ben Ramsey by authorizing the Senate Committee on Administration to acquire by gift, or purchase, a bronze bust of Governor Ben Ramsey; and, be it further

RESOLVED, That the bust of Governor Ramsey be permanently displayed in the Senate chamber as a memorial to this outstanding Texan; and, be it further

RESOLVED, That a copy of this Resolution, under the seal of the Senate of Texas, be prepared for Mr. Ramsey as an expression of recognition from his former

colleagues in this body for his outstanding contributions to the progress of all the people of this state.

The resolution was read and was adopted.

The President introduced to the Members of the Senate Mrs. Ben Ramsey, and daughters, MariBen, Ann and Rita Ramsey Kreisle.

Mrs. Ramsey unveiled the bronze bust.

Governor Ramsey then addressed the Members of the Senate and distinguished guests assembled, expressing his appreciation and recalling fond memories of his service in the Senate.

MOTION TO NOT PRINT SENATE BILL 360

Senator Moore moved that **S.B. 360** be not printed.

There was objection.

On motion of Senator Moore and by unanimous consent, the motion was withdrawn.

GUEST INVITED TO ADDRESS SENATE

On motion of Senator McKnight and by unanimous consent, Congressman Bob Krueger was granted permission to address the Members of the Senate tomorrow, February 8, 1977.

COMMITTEE SUBSTITUTE SENATE BILL 91 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 91, Relating to establishment of school-community guidance center pilot programs financed under the minimum foundation school program; authorizing cooperative programs with state youth agencies; amending Chapter 16, Texas Education Code, by adding Subchapter I.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend Section 1, **C.S.S.B. 91** by adding a new Section 16.406 at the end of Section 1 as follows:

"Sec. 16.406. **TERMINATION DATE.** The commissioner of education shall evaluate the school-community guidance center pilot program and report to the 67th Legislature. Unless continued by law, the pilot program is abolished and this Act expires effective September 1, 1981."

The amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 91 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.B. 91** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 2.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Adams, Creighton.

Absent: Jones of Taylor, Moore.

Absent-excused: Schwartz.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

MEMORIAL RESOLUTIONS

S.R. 124 - by Adams: Memorial resolution for Billie Marie Clark.

S.R. 125 - by Adams: Memorial resolution for Carnes B. Manning.

S.R. 132 - by Doggett, Moore, Creighton, Harris: Memorial resolution for Ted Read.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 121 - by Andujar: Extending congratulations to Tom J. Vandergriff.

S.R. 122 - by Parker: Extending congratulations to Citizens of Port Arthur.

S.R. 128 - by Mauzy: Extending welcome to Boy Scout Troop No. 503.

S.R. 129 - by Aikin: Extending welcome to Dr. Don Benton.

S.R. 130 - by Snelson: Extending congratulations to George Bentley.

S.R. 131 - by Ogg, Mengden, Williams, Jones of Harris, Brooks: Extending congratulations to Wilson Whitley.

S.R. 133 - by Clower: Extending welcome to Robert Love. '

S.R. 134 - by Brooks, Ogg, Jones of Harris, Mengden, Williams: Extending welcome to Kim Tomes, Miss Texas.

S.R. 135 - by Clower: Extending welcome to Danny Wheat.

S.R. 136 - by Clower: Extending welcome to G. Chris Hartung.

S.R. 137 - by Clower: Extending welcome to Vernon E. Emory.

S.R. 138 - by Clower: Extending welcome to Gwen Smale.

S.R. 139 - by Clower: Extending welcome to Paul Isham.

S.R. 140 - by Clower: Extending welcome to F. D. "Pete" Eckert.

ADJOURNMENT

On motion of Senator Aikin the Senate at 11:28 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory**of****Stuart Long**

Senator Moore offered the following resolution:

(Senate Resolution 126)

WHEREAS, the Senate of Texas and, in fact, the whole of our great state have suffered a grievous loss in the passing of a State Capitol news correspondent of more than 30 years, Stuart Long, in the sixty-third year of a life dedicated to the highest standards and integrity of professional journalism; and

WHEREAS, Stuart Long was a warm personal friend of many of the members of this Senate, these friendships being based on mutual respect and confidence which brought this man into such intimate and longstanding contact with so many of our political leaders in Texas; and

WHEREAS, Stuart Long was conceded to be one of the most knowledgeable of all of the veteran news reporters in analyzing the workings of our state government, not only of the legislative branch but of virtually all of the various departments and agencies of this vast complex; and

WHEREAS, during more than 40 years of news enterprise in various capacities, Stuart Long earned a national reputation in his writing and reporting in special assignments for such publications as the *New York Times*, the *Washington Post*, the *Chicago Tribune*, *Time* and *Newsweek* magazines, in addition to producing, with a collaborator, regular features for the Bell Syndicate, called "Syndrome U. S. A.," and "Spotlight" for United Features; and

WHEREAS, in 1947 he established the Long News Service with quarters in the State Capitol, building this organization into the largest and most widely circulated of its kind in the annals of state government news reporting, including among its clientele some 30 Texas newspapers in addition to, in radio, the Texas State Network; and

WHEREAS, Stuart Long's AUSTIN REPORT, a weekly news capsule of what was going on in Austin and elsewhere around the state, became almost a Texas institution through the years, in addition to such other weekly specialized newsletters as the AUSTIN INSURANCE REPORT, the TEXAS POLLUTION REPORT, the TEXAS WATER REPORT, the TEXAS FINANCE REPORT and the TEXAS TRANSPORTATION REPORT, all achieving widespread circulation; and

WHEREAS, Stuart Long actually began his writing career while working on the student newspaper at Abilene High School, later studying journalism at Simmons College, now Hardin-Simmons University, and pursuing these studies after enrolling at The University of Texas in 1933. After reporting and editing for two Austin newspapers, he joined the old International News Service in 1936 and in that same year married Emma Jackson, then the first full-time woman Capitol reporter who later served for years as one of the most influential members of the Austin City Council; and

WHEREAS, the full measure of this man may not ultimately be remembered for his notable contributions in journalism, but rather in the broader field of compassionate human relationships, by his intense interest in the welfare of youth, of the needy, and his willingness always to give help where help was needed; and

WHEREAS, throughout his career he maintained a deep and consistent interest in political activity, serving in the 1940's as a member of the State Democratic

Executive Committee and at the time of his death having served for more than 30 years as Democratic chairman of Austin Precinct 231, his home precinct, attending many state and national conventions always as a dedicated Democrat. He also served as a member of several boards in state government, including the State School Land Board and the President's Water Pollution Control Advisory Board; and

WHEREAS, the loss of Stuart Long leaves a vacancy in the ranks of the Capitol Press Corps and in the turbulent field of Texas politics that is not likely soon to be replaced, now, therefore, be it

RESOLVED by the Senate of the State of Texas that it does by this Resolution express its deepest regret at the passing of Stuart Long and pays tribute to the memory of this man of great worth; and be it further

RESOLVED that the Senate extends its most sincere condolences to the bereaved family, and that copies of this Resolution be forwarded to the family as a tribute to the memory of Stuart Long.

MOORE
MEIER
PARKER
DOGGETT
SANTIESTEBAN
SNELSON

The resolution was read and was adopted by a rising vote of the Members of the Senate.

On motion of Senator Aikin and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereto.